



## COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/22/2436/OF1
2.	<b>Proposed Development:</b>	AMENDMENT (ADDITIONAL WINDOW IN GARAGE) TO PLANNING APPROVAL 4/22/2271/OF1 - REAR GABLE EXTENSION AND A DETACHED DOMESTIC GARAGE
3.	<b>Location:</b>	29 PINWOODS, GILGARRAN
4.	<b>Parish:</b>	Distington
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, Key Species - Bounds of Sensitive Area for Hen Harriers, Outer Consultation Zone - Cycliffe 3KM
6.	<b>Publicity Representations &amp;Policy</b>	Neighbour Notification Letter: YES  Site Notice: NO  Press Notice: NO  Consultation Responses: See report  Relevant Planning Policies: See report
7.	<b>Report:</b>  <b>SITE AND LOCATION</b>  <p>This application relates to 29 Pinewoods, a semi-detached bungalow situated on an existing housing estate within Gilgarran. The site benefits from a large garden with an existing garage and driveway at the front of the property and a single-storey conservatory within the rear garden.</p>  <b>PROPOSAL</b>  <p>Planning Permission is sought for the erection of a gable extension and detached garage (amendment to previous permission ref 4/22/2271/OF1 to include a window in the garage).</p> <p>The extension will provide two additional bedrooms with en-suites, an additional en-suite and a new</p>	

utility and living/dining room. It will project 6.8 metres from the side elevation of the bungalow and it will have a depth of 11.5 metres. It has been designed to continue the roof pitch of the existing dwelling along the front elevation and the rear elevation will include a gable extension with an overall height of 4.3 metres. The eaves height will match the existing property. It has been designed to include a window on the front elevation, two windows on the side elevation and three windows and patio doors on the rear elevation.

The detached garage will be an L-shaped with an overall width of 9.69 metre and an overall depth of 8.6 metres. It has been designed to include a pitched roof with an overall height of 3.8 metres and an eaves height of 2.9 metres. The front elevation will include a garage door and window and the side elevation facing the garden will include an access door and window. The side facing the boundary will include an obscure glazed window and the rear elevation will be blank.

Both the extension and garage will be finished in render, roof tiles and UPVC windows and doors to match the existing house.

#### **RELEVANT PLANNING APPLICATION HISTORY**

Planning Permission has been granted for a gable extension and detached garage (ref 4/22/2271/0F1).

#### **CONSULTATION RESPONSES**

##### Consultees

Distington Parish Council – No objection.

##### Public Representations

The application has been advertised by way of neighbour notification letters issued to 6 no. properties - No letters of objection have been received as a result of this consultation process.

#### **PLANNING POLICIES**

Planning law requires applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

##### **Development Plan**

Copeland Local Plan 2013 – 2028 (Adopted December 2013)

##### Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ENV3 – Biodiversity and Geodiversity

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM18 – Domestic Extensions and Alterations

Policy DM22 – Accessible Developments

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

**Other Material Planning Considerations**

National Planning Policy Framework (NPPF)

Cumbria Development Design Guide

Wildlife and Countryside Act 1981

Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been submitted for examination by the Planning Inspector.

As set out at Paragraph 48 of the National Planning Policy Framework (NPPF), Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which objections to relevant policies have been resolved; and the degree to which emerging policies are consistent with the NPPF.

Given the stage of preparation of the emerging Copeland Local Plan 2017-2038 some weight can be attached to policies where no objections have been received or objections have been resolved. The Publication Draft (January 2022) and Addendum (July 2022) provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the NPPF.

The following policies are relevant to this proposal:

Policy DS1PU – Presumption in favour of Sustainable Development

Policy DS6PU – Design and Development Standards

Policy H14PU – Domestic Extensions and Alterations

Policy N1PU – Conserving and Enhancing Biodiversity and Geodiversity

Policy CO7PU – Parking Standards and Electric Vehicle Charging Infrastructure

**ASSESSMENT**

The key issues raised by this proposed are the principle of development, its scale and design and the potential impacts on residential amenity, highway parking requirements and ecology.

### Principle of Development

The proposed application relates to a residential dwelling within Gilgarran and it will provide two additional bedrooms with en-suites, an additional en-suite, a new utility and living/dining room and a detached garage. Policy DM18 supports extensions and alterations to residential properties subject to detailed criteria, which are considered below.

On this basis, the principle of the development is therefore considered to be acceptable and the extension satisfies Policies ST2, DM18 of the Local Plan and the NPPF guidance.

### Scale and Design

Policy ST1 and section 12 of the NPPF seek to promote high quality designs. Policy DM10 and DM18 seek to ensure domestic alterations are of an appropriate scale and design which is appropriate to their surroundings and do not adversely affect the amenities of adjacent dwellings.

The gable extension and detached garage are considered to be relatively modest in scale and appropriately sited within the side and rear garden. The proposals will not be excessively prominent in the street scene and the design is considered to respect the character and appearance of the existing bungalow and wider area. In addition, the choice of materials will match the existing dwelling.

On balance, the proposal is considered to meet Policy DM18 and the NPPF guidance.

### Residential Amenity

Policy ST1, Policy DM18 and section 12 of the NPPF seek to safeguard good levels of residential amenity of both the parent property and adjacent dwellings.

Whilst amenity issues between the proposed extension, detached garage and the neighbouring properties were considered, the proposals are considered to be suitably located within the site.

The continuation of the existing roof height and pitch along the side extension will ensure the extension is not dominant within the locality and the rear gable extension will replace an existing conservatory and it will be stepped off the side boundary by 3.2 metres. The proposal will also be located to the south of the neighbouring property, no. 30 Pinewoods, reducing potential overshadowing concerns further and the existing side boundary hedge will help screen the development and provide suitable mitigation for the adjoining neighbour.

In addition, under current permitted development rights, a rear outbuilding could be erected up to 2.5 metres in height within this location without the requirement for formal planning permission. This fall-back position is a material consideration in the assessment of this application. As the overall height is not significantly larger than what is possible under permitted development, the proposed garage is considered to be satisfactory. It is therefore considered that the garage proposal will not cause significant loss of light or dominance on the neighbouring properties. In addition, no windows have been included on the rear elevation and an obscure glazed window has been included on the side elevation facing the boundary and therefore overlooking concerns are mitigated. The obscure

glazing can be secured by the use of a planning condition to further protect residential amenity.

To ensure the garage use will remain domestic in nature, a planning condition is attached. This will help to minimise impact on the amenities of the occupiers of surrounding dwellings and ensure that non-conforming uses are not introduced into the area.

On balance, taking into account what is possible under Permitted Development, the siting and orientation of the proposal within the site, it is not considered that the proposal will have a detrimental impact on the neighbouring amenity. The proposal is therefore considered that the proposal will meet Policy DM18 and the NPPF guidance.

#### Highway Parking Requirements

Policy DM22 encourages innovative approaches to manage vehicular access and parking to avoid vehicles dominating the street scene.

The proposal also includes the installation of additional off-street parking to the side of the property and an access driveway to the rear garage. The driveway will therefore provide adequate off-street parking to meet the needs of the property and the installation can be secured by the use of a planning condition.

On this basis, the extension and detached garage will not have a detrimental effect on the existing highway conditions and it is considered to comply with Policy DM22 and the standards set out in the Cumbria Development Design Guide.

#### Ecology

Policy ST1, ENV3 and DM25 and section 15 of the NPPF outline how the Council will protect and enhance the biodiversity and geodiversity within the Borough. These policies set out the approach towards managing development proposals that are likely to have an effect on nature conservation sites, habitats and protected species.

The application site is identified as a potential area for hen harriers. The application is not supported by any ecology details as the site is located on an existing housing estate. On this basis, it is considered that this is not a habitat that is likely to contain hen harriers and so it would not be necessary to seek an ecological survey for this minor application.

It is therefore considered that the development complies with Policies ST1, EV3 and DM25 of the Copeland Local Plan and the NPPF guidance.

#### Planning Balance and Conclusion

This amended application seeks to erect a gable extension and a detached garage within the rear garden.

The proposal is considered to be suitably located within the site and it will be acceptable in terms of scale and design. In addition, given what is possible without planning permission and the proposed siting and orientation, the proposal will not have any detrimental impact on the amenities of the

	<p>adjoining properties, highway parking requirements or ecology.</p> <p>The planning conditions proposed will ensure the detached garage remains domestic in use, the obscure glazing is installed to further protecting residential amenity and ensure adequate off-street parking is installed to meet the needs of the property.</p> <p>On balance, the application is considered to be acceptable form of development which accords with the policies set out within the adopted Local Plan and the guidance in the NPPF.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <ol style="list-style-type: none"> <li> <p>The development hereby permitted must commence before the expiration of three years from the date of this permission.</p> <p>Reason</p> <p>To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p> </li> <li> <p>This permission relates to the following plans and documents as received on the respective dates and development must be carried out in accordance with them: -</p> <p>Application Form, received 1<sup>st</sup> November 2022;  Location Plan, scale 1:1250, drawing no, CJW154-003B, received 1<sup>st</sup> November 2022;  Existing and Proposed Site Plan, scale 1:500, drawing no, CJW154-003B, received 1<sup>st</sup> November 2022;  Existing Floor Plan and Elevations, scale 1:100, drawing no, CJW154-003B, received 1<sup>st</sup> November 2022;  Existing Floor Plan/Site Plan, scale 1:100, drawing no, CJW154-001A, 1<sup>st</sup> November 2022;  Proposed Floor Plan/Site Plan, scale 1:100, drawing no, CJW154-002F, received 1<sup>st</sup> November 2022;  Proposed Floor Plans and Elevations, scale 1:100, drawing no, CJW154-004E, received 1<sup>st</sup> November 2022.</p> <p>Reason</p> <p>To conform with the requirement of Section 91 of the Town and Country Planning Act 1990,</p> </li> </ol>

as amended by the Planning and Compulsory Purchase Act 2004.

3. Prior to the first use of the extension and garage, the off-street parking provision must be installed in accordance with the approved 'Proposed Floor Plan/Site Plan', drawing ref CJW154-002F, received by the Local Planning Authority on 1<sup>st</sup> November 2022. The driveway must be maintained thereafter.

Reason

To ensure adequate off-street parking is maintained in accordance with Policy DM22 of the Copeland Local Plan.

4. Prior to the first use of the garage hereby approved, the obscure glazing must be installed in the side elevation window in accordance with the 'Proposed Floor Plans and Elevations, scale 1:100, drawing no. CJW154-004E, received by the Local Planning Authority on 1<sup>st</sup> November 2022. The obscure glazing must be maintained thereafter.

Reason

To protect residential amenity in accordance with Policy DM18 of the Copeland Local Plan.

5. The garage must be used for the parking of private vehicles and the storage of domestic equipment only in association with the residential property known as 29 Pinewoods and for no commercial or business purposes whatsoever.

Reason

To ensure that non-conforming uses are not introduced into the area.

**Informative Note**

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

	<p><b>Statement</b></p> <p>The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.</p>
<p><b>Case Officer: C. Unsworth</b></p>	<p><b>Date : 19/12/2022</b></p>
<p><b>Authorising Officer: N.J. Hayhurst</b></p>	<p><b>Date : 19/12/2022</b></p>
<p><b>Dedicated responses to:- N/A</b></p>	